

Senate File 496

S-3097

1 Amend Senate File 496 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 256.11, unnumbered paragraph 1, Code
5 2023, is amended to read as follows:

6 The state board shall adopt rules under [chapter 17A](#) and
7 a procedure for accrediting all public and nonpublic schools
8 in Iowa offering instruction at any or all levels from the
9 prekindergarten level through grade twelve. The rules of
10 the state board shall require that a an age-appropriate,
11 multicultural, and gender-fair approach is used by schools and
12 school districts. The educational program shall be taught from
13 a an age-appropriate, multicultural, and gender-fair approach.
14 Global perspectives shall be incorporated into all levels of
15 the educational program. The rules adopted by the state board
16 pursuant to [section 256.17, Code Supplement 1987](#), to establish
17 new standards shall satisfy the requirements of [this section](#) to
18 adopt rules to implement the educational program contained in
19 this section. The educational program shall be as follows:

20 Sec. 2. Section 256.11, subsections 2, 3, 4, and 9, Code
21 2023, are amended to read as follows:

22 2. The kindergarten program shall include experiences
23 designed to develop healthy emotional and social habits and
24 growth in the language arts and communication skills, as well
25 as a capacity for the completion of individual tasks, and
26 protect and increase physical well-being with attention given
27 to experiences relating to the development of life skills and,
28 subject to section 279.80, age-appropriate and research-based
29 human growth and development. A kindergarten teacher shall be
30 licensed to teach in kindergarten. An accredited nonpublic
31 school must meet the requirements of [this subsection](#) only if
32 the nonpublic school offers a kindergarten program; provided,
33 however, that section 279.80 shall not apply to a nonpublic
34 school.

35 3. The following areas shall be taught in grades one through

1 six: English-language arts, social studies, mathematics,
2 science, health, ~~age-appropriate and research-based~~
3 ~~human growth and development~~, physical education, traffic
4 safety, music, and visual art, and, subject to section
5 279.80, age-appropriate and research-based human growth and
6 development. Computer science instruction incorporating
7 the standards established under section 256.7, subsection
8 26, paragraph "a", subparagraph (4), shall be offered in
9 at least one grade level commencing with the school year
10 beginning July 1, 2023. The health curriculum shall include
11 the characteristics of communicable diseases ~~including acquired~~
12 ~~immune deficiency syndrome~~. The state board as part of
13 accreditation standards shall adopt curriculum definitions for
14 implementing the elementary program.

15 4. The following shall be taught in grades seven and
16 eight: English-language arts; social studies; mathematics;
17 science; health; age-appropriate and research-based human
18 growth and development; career exploration and development;
19 physical education; music; and visual art. Computer science
20 instruction incorporating the standards established under
21 section 256.7, subsection 26, paragraph "a", subparagraph (4),
22 shall be offered in at least one grade level commencing with
23 the school year beginning July 1, 2023. Career exploration
24 and development shall be designed so that students are
25 appropriately prepared to create an individual career
26 and academic plan pursuant to [section 279.61](#), incorporate
27 foundational career and technical education concepts aligned
28 with the six career and technical education service areas
29 as defined in [subsection 5](#), paragraph "h", and incorporate
30 relevant twenty-first century skills. The health curriculum
31 shall include age-appropriate and research-based information
32 regarding the characteristics of sexually transmitted diseases,
33 ~~including HPV and the availability of a vaccine to prevent~~
34 ~~HPV, and acquired immune deficiency syndrome~~. The state board
35 as part of accreditation standards shall adopt curriculum

1 definitions for implementing the program in grades seven
2 and eight. However, **this subsection** shall not apply to the
3 teaching of career exploration and development in nonpublic
4 schools. ~~For purposes of **this section**, "age-appropriate",~~
5 ~~"HPV", and "research-based" mean the same as defined in section~~
6 ~~279.50.~~

7 9. a. Beginning July 1, 2006, each school district shall
8 have a qualified teacher librarian who shall be licensed by
9 the board of educational examiners under ~~chapter 272~~ chapter
10 256. Each school district shall establish a kindergarten
11 through grade twelve library program that is consistent with
12 the educational standards established in this section, contains
13 only age-appropriate materials, and supports the student
14 achievement goals of the total school curriculum.

15 b. The state board shall establish in rule a definition
16 of and standards for an articulated sequential kindergarten
17 through grade twelve media program.

18 c. A school district that entered into a contract with an
19 individual for employment as a media specialist or librarian
20 prior to June 1, 2006, shall be considered to be in compliance
21 with **this subsection** until June 30, 2011, if the individual
22 is making annual progress toward meeting the requirements
23 for a teacher librarian endorsement issued by the board of
24 educational examiners under ~~chapter 272~~ chapter 256. A school
25 district that entered into a contract with an individual for
26 employment as a media specialist or librarian who holds at
27 least a master's degree in library and information studies
28 shall be considered to be in compliance with **this subsection**
29 until the individual leaves the employ of the school district.

30 Sec. 3. Section 256.11, subsection 5, paragraph b, Code
31 2023, is amended to read as follows:

32 b. (1) Five units of the social studies including
33 instruction in voting statutes and procedures, voter
34 registration requirements, the use of paper ballots and voting
35 systems in the election process, and the method of acquiring

1 and casting an absentee ballot. All students shall complete a
2 minimum of one-half unit of United States government and one
3 unit of United States history.

4 (2) The one-half unit of United States government shall
5 include ~~the~~ all of the following:

6 (a) The voting procedure as described in this lettered
7 paragraph and section 280.9A. ~~The government instruction shall~~
8 ~~also include a~~

9 (b) A study of the Constitution of the United States and the
10 Bill of Rights contained in the Constitution and an assessment
11 of a student's knowledge of the Constitution and the Bill of
12 Rights.

13 (c) (i) An assessment of the student's knowledge of
14 United States government and civics that includes the nature,
15 purpose, structure, function, and history of the United States
16 government, the rights and responsibilities of citizens of
17 the United States, and important United States government and
18 civic leaders. The most recent version of the civics test
19 developed by the United States citizenship and immigration
20 services shall be used as the assessment required by this
21 subparagraph division. On or before June 30 of each year, each
22 school district and accredited nonpublic school shall submit
23 the results of the assessment required by this subparagraph
24 division to the department.

25 (ii) The school district or accredited nonpublic school
26 may modify the civics test developed by the United States
27 citizenship and immigration services for a student who has an
28 individualized education program.

29 (iii) A student shall answer at least seventy percent of
30 the questions on the civics test developed by the United States
31 citizenship and immigration services correctly as a condition
32 of graduation. A student who fails to answer at least seventy
33 percent of the questions on the civics test correctly may
34 retake the civics test as many times as necessary.

35 Sec. 4. Section 256.11, subsection 5, paragraph j,

1 subparagraph (1), Code 2023, is amended to read as follows:

2 (1) One unit of health education which shall include
3 personal health; food and nutrition; environmental health;
4 safety and survival skills; consumer health; family life;
5 age-appropriate and research-based human growth and
6 development; substance abuse and nonuse; emotional and
7 social health; health resources; and prevention and control
8 of disease, including age-appropriate and research-based
9 information regarding sexually transmitted diseases, ~~including~~
10 ~~HPV and the availability of a vaccine to prevent HPV, and~~
11 ~~acquired immune deficiency syndrome.~~

12 Sec. 5. Section 256.11, Code 2023, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 19. For purposes of this section:

15 a. (1) "*Age-appropriate*" means topics, messages, and
16 teaching methods suitable to particular ages or age groups
17 of children and adolescents, based on developing cognitive,
18 emotional, and behavioral capacity typical for the age or age
19 group. "*Age-appropriate*" does not include any material with
20 descriptions or visual depictions of a sex act as defined in
21 section 702.17.

22 (2) Notwithstanding subparagraph (1), for purposes of the
23 human growth and development curriculum, "*age-appropriate*" means
24 the same as defined in section 279.50.

25 b. "*Research-based*" means the same as defined in section
26 279.50.

27 Sec. 6. Section 256E.7, subsection 2, paragraph i, Code
28 2023, is amended to read as follows:

29 i. Be subject to and comply with [section 279.76](#) relating
30 to physical examinations, and health screenings, and formal
31 examinations or surveys designed to assess a student's mental,
32 emotional, or physical health in the same manner as a school
33 district.

34 Sec. 7. Section 256E.7, subsection 2, Code 2023, is amended
35 by adding the following new paragraphs:

1 NEW PARAGRAPH. *0j.* Be subject to and comply with the
2 requirements of section 279.78 relating to notifications
3 required to be provided to the parents and guardians of minor
4 children and the rights of parents and guardians of minor
5 children in the same manner as a school district.

6 NEW PARAGRAPH. *00j.* Be subject to and comply with the
7 requirements of section 279.79 relating to student, employee,
8 and contractor participation in surveys, analyses, activities,
9 or evaluations in the same manner as a school district.

10 NEW PARAGRAPH. *000j.* Be subject to and comply with the
11 requirements of section 279.80 relating to sexual orientation
12 and gender identity instruction in kindergarten through grade
13 six in the same manner as a school district.

14 Sec. 8. Section 256F.4, subsection 2, paragraph k, Code
15 2023, is amended to read as follows:

16 *k.* Be subject to and comply with [section 279.76](#) relating
17 to physical examinations, and health screenings, and formal
18 examinations or surveys designed to assess a student's mental,
19 emotional, or physical health in the same manner as a school
20 district.

21 Sec. 9. Section 256F.4, subsection 2, Code 2023, is amended
22 by adding the following new paragraphs:

23 NEW PARAGRAPH. *l.* Be subject to and comply with the
24 requirements of section 279.78 relating to notifications
25 required to be provided to the parents and guardians of minor
26 children and the rights of parents and guardians of minor
27 children in the same manner as a school district.

28 NEW PARAGRAPH. *m.* Be subject to and comply with the
29 requirements of section 279.79 relating to student, employee,
30 and contractor participation in surveys, analyses, activities,
31 or evaluations in the same manner as a school district.

32 NEW PARAGRAPH. *n.* Be subject to and comply with the
33 requirements of section 279.80 relating to sexual orientation
34 and gender identity instruction in kindergarten through grade
35 six in the same manner as a school district.

1 Sec. 10. Section 279.50, subsections 1 and 2, Code 2023, are
2 amended to read as follows:

3 1. ~~Each~~ Subject to section 279.80, each school board shall
4 provide instruction in kindergarten which gives attention
5 to experiences relating to life skills and human growth and
6 development as required in [section 256.11](#). School districts
7 shall use research provided in [section 256.9, subsection 46](#),
8 paragraph "b", to evaluate and upgrade their instructional
9 materials and teaching strategies for human growth and
10 development.

11 2. Each school board shall provide age-appropriate and
12 research-based instruction in human growth and development
13 including instruction regarding human sexuality, self-esteem,
14 stress management, interpersonal relationships, domestic
15 abuse, ~~HPV and the availability of a vaccine to prevent HPV,~~
16 ~~and acquired immune deficiency syndrome~~ and the prevention and
17 control of disease, including sexually transmitted diseases as
18 required in [section 256.11](#), in grades ~~one~~ seven through twelve.

19 Sec. 11. Section 279.50, Code 2023, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 1A. Subject to section 279.80, each
22 school board shall provide age-appropriate and research-based
23 instruction in human growth and development including
24 instruction regarding self-esteem, stress management,
25 interpersonal relationships, and domestic abuse in grades one
26 through six.

27 Sec. 12. Section 279.50, subsection 9, paragraphs b and c,
28 Code 2023, are amended by striking the paragraphs.

29 Sec. 13. Section 279.76, subsection 1, Code 2023, is amended
30 to read as follows:

31 1. a. Each school district is prohibited from administering
32 or conducting an invasive physical examination of a student,
33 ~~or~~ a student health screening that is not required by state or
34 federal law, or a formal examination or survey of a student
35 that is designed to assess the student's mental, emotional, or

1 physical health that is not required by state or federal law,
2 without first acquiring the written consent of the student's
3 parent or guardian. This section applies only to a minor child
4 in the direct care of a parent or guardian, and does not apply
5 to an emancipated minor or a minor who is not residing with the
6 parent or guardian.

7 b. Each school district shall give written notice to a
8 student's parent or guardian of an examination or survey of
9 the student required by state or federal law that is designed
10 to assess the student's mental, emotional, or physical health
11 not less than seven days prior to the examination or survey.
12 The notice shall include a copy of the examination or survey
13 or a link to an internet site where the parent or guardian may
14 access the examination or survey.

15 c. This subsection shall not apply to a hearing or vision
16 examination.

17 **Sec. 14. NEW SECTION. 279.77 Transparency — publication**
18 **of school district information.**

19 1. Each school district shall publish all of the following
20 information related to the current school year on the school
21 district's internet site:

22 a. A comprehensive list of all persons in direct contact
23 with students enrolled in the school district who contract with
24 or otherwise receive moneys from the board of directors of the
25 school district.

26 b. A detailed explanation of the procedures or policies
27 in effect for the parent or guardian of a student enrolled in
28 the school district to request the removal of a book, article,
29 outline, handout, video, or other educational material that is
30 available to students in the classroom or in a library operated
31 by the school district. Each school district shall prominently
32 display the detailed explanation on the school district's
33 internet site.

34 c. A detailed explanation of the procedures or policies in
35 effect to request the review of decisions made by the board

1 of directors of the school district, including the petition
2 process established pursuant to section 279.8B.

3 2. The board of directors of each school district shall
4 adopt a policy describing the procedures for the parent or
5 guardian of a student enrolled in the school district to review
6 the instructional materials used in the student's classroom.
7 The policy shall include a process for the student's parent
8 or guardian to request that the student not be provided
9 with certain instructional materials. The policy shall be
10 prominently displayed on the school district's internet site
11 and the board of directors of the school district shall, at
12 least annually, provide a written or electronic copy of the
13 policy to the parent or guardian of each student enrolled
14 in the school district. For purposes of this section,
15 "*instructional materials*" means either printed or electronic
16 textbooks and related core materials that are written and
17 published primarily for use in elementary school and secondary
18 school instruction and are required by a state educational
19 agency or local educational agency for use by students in the
20 student's classes by the teacher of record. "*Instructional*
21 *materials*" does not include lesson plans.

22 3. Each school district shall make available to the parent
23 or guardian of each student enrolled in the school district
24 a comprehensive list of all books available to students in
25 libraries operated by the school district by providing a link
26 on the school district's internet site to the electronic
27 catalog of the books available in the libraries operated by the
28 school district. However, for school years beginning prior to
29 July 1, 2025, if the school district does not use an electronic
30 catalog, the school district may request a waiver from this
31 requirement from the department of education.

32 4. This section shall not be construed to require a school
33 district to do any of the following:

34 a. Reproduce educational materials that were not created by
35 a person employed by the board of directors.

1 *b.* Distribute any educational materials in a manner that
2 would infringe on the intellectual property rights of any
3 person.

4 Sec. 15. NEW SECTION. **279.78 Parental rights in education.**

5 1. As used in this section:

6 *a.* "*Gender identity*" means the same as defined in section
7 216.2.

8 *b.* "*Minor child*" means an individual under eighteen years
9 of age.

10 2. *a.* Each school district shall immediately notify the
11 parent or guardian of a minor child enrolled in the school
12 district if any employee of the school district reasonably
13 believes that the minor child has expressed a gender identity
14 that is different than the biological sex listed on the minor
15 child's official birth certificate or certificate issued upon
16 adoption if the certificate was issued at or near the time of
17 the minor child's birth.

18 *b.* Notwithstanding paragraph "*a*", if a school district
19 determines based on actual threats to the health, safety, or
20 welfare of a minor child enrolled in the school district that
21 notifying the parent or guardian of the minor child pursuant
22 to paragraph "*a*" may result in serious harm to the minor child,
23 the school district shall not notify the parent or guardian and
24 shall instead immediately report the school district's safety
25 concerns to the department of health and human services so that
26 the department may determine whether the minor child is a child
27 in need of assistance under chapter 232.

28 3. The parent or guardian of a minor child enrolled in
29 a school district may access and review all school records
30 related to the minor child, including teacher evaluations of
31 the minor child and associated notes, evaluation information,
32 and documents created by the minor child, unless the federal
33 Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, or
34 chapter 232, subchapter III, part 2, prohibits the record from
35 being disclosed.

1 4. A school district must receive the prior written consent
2 of the parent or guardian of a minor child enrolled in the
3 school district before recognizing the minor child's request to
4 change the minor child's name or pronoun to a name or pronoun
5 that is different from the name or pronoun assigned to the
6 minor child in the school district's registration forms or
7 records.

8 5. If, after investigation, the department of education
9 determines that a school district or an employee of a school
10 district has violated this section, the school district or
11 employee of the school district, as applicable, shall be
12 subject to the following:

13 a. For the first violation of this section, the department
14 of education shall issue a written warning to the board
15 of directors of the school district or the employee, as
16 applicable.

17 b. (1) For a second or subsequent violation of this
18 section, if the department of education finds that a school
19 district knowingly violated this section, the superintendent of
20 the school district shall be subject to a hearing conducted by
21 the board of educational examiners pursuant to section 272.2,
22 subsection 14, which may result in disciplinary action.

23 (2) For a second or subsequent violation of this section,
24 if the department of education finds that an employee of
25 the school district who holds a license, certificate,
26 authorization, or statement of recognition issued by the board
27 of educational examiners knowingly violated this section, the
28 employee shall be subject to a hearing conducted by the board
29 of educational examiners pursuant to section 272.2, subsection
30 14, which may result in disciplinary action.

31 6. The state board of education shall adopt rules pursuant
32 to chapter 17A to administer this section.

33 Sec. 16. NEW SECTION. **279.79 Protection of student rights.**

34 1. The board of directors of a school district must
35 receive the prior written consent of a student's parent or

1 guardian before requiring a student to take part in any survey,
2 analysis, activity, or evaluation that reveals information
3 concerning any of the following about the student or the
4 student's family, whether the information is personally
5 identifiable or not:

6 *a.* The political affiliations or beliefs of the student or
7 the student's parent or guardian.

8 *b.* Mental or psychological problems of the student or the
9 student's family.

10 *c.* Sexual behavior, orientation, or attitudes.

11 *d.* Illegal, antisocial, self-incriminating, or demeaning
12 behavior.

13 *e.* Critical appraisals of other individuals with whom the
14 student has close familial relationships.

15 *f.* Legally recognized privileged or analogous relationships,
16 such as those of attorneys, physicians, or ministers.

17 *g.* Religious practices, affiliations, or beliefs of the
18 student or the student's parent or guardian.

19 *h.* Income, except when required by law to determine
20 eligibility for participation in a program or for receiving
21 financial assistance under such a program.

22 2. An employee of a school district, or a contractor engaged
23 by a school district, shall not answer any question pertaining
24 to any particular student enrolled in the school district
25 in any survey related to the social or emotional abilities,
26 competencies, or characteristics of the student, unless the
27 board of directors of the school district satisfies all of the
28 following requirements:

29 *a.* The board of directors of the school district provides to
30 the parent or guardian of each student enrolled in the school
31 district detailed information related to the survey, including
32 the person who created the survey, the person who sponsors the
33 survey, how information generated by the survey is used, and
34 how information generated by the survey is stored.

35 *b.* The board of directors of the school district receives

1 the written consent from a student's parent or guardian
2 authorizing the employee or contractor to answer questions in
3 the survey pertaining to the student.

4 3. Subsection 2 shall not be construed to prohibit an
5 employee of a school district, or a contractor engaged by a
6 school district, from answering questions pertaining to any
7 particular student enrolled in the school district as part of
8 the process of developing or implementing an individualized
9 education program for such student.

10 Sec. 17. NEW SECTION. 279.80 Sexual orientation and gender
11 identity — prohibited instruction.

12 1. As used in this section:

13 a. "Gender identity" means the same as defined in section
14 216.2.

15 b. "Sexual orientation" means the same as defined in section
16 216.2.

17 2. A school district shall not provide any program,
18 curriculum, test, survey, questionnaire, promotion, or
19 instruction relating to gender identity or sexual orientation
20 to students in kindergarten through grade six.

21 Sec. 18. Section 299A.9, subsection 1, Code 2023, is amended
22 to read as follows:

23 1. A child of compulsory attendance age who is identified
24 as requiring special education under [chapter 256B](#) is eligible
25 for placement under competent private instruction ~~with prior~~
26 ~~approval of the placement by the director of special education~~
27 ~~of the area education agency of the child's district of~~
28 ~~residence.~~

29 Sec. 19. Section 299A.9, Code 2023, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 3. The parent, guardian, or legal custodian
32 of a child who is identified as requiring special education
33 may request dual enrollment pursuant to section 299A.8. The
34 appropriate special education services for the child shall be
35 determined pursuant to chapter 256B and rules adopted pursuant

1 to chapter 256B.

2 Sec. 20. NEW SECTION. 601.1 Parents and guardians —
3 rights.

4 1. For purposes of this section:

5 a. "*Emergent care situation*" means a sudden or unforeseen
6 occurrence or onset of a medical or behavioral condition that
7 could result in serious injury or harm to a minor child in the
8 event immediate medical attention is not provided.

9 b. "*Medical care*" means any care, treatment, service, or
10 procedure to prevent, diagnose, alleviate, treat, or cure a
11 minor child's physical or mental condition.

12 c. "*Minor child*" means an unmarried and unemancipated person
13 under the age of eighteen years.

14 2. Subject to section 147.64, if enacted by 2023 Iowa
15 Acts, Senate File 538, a parent or guardian bears the ultimate
16 responsibility, and has the fundamental, constitutionally
17 protected right, to make decisions affecting the parent's
18 or guardian's minor child, including decisions related to
19 the minor child's medical care, moral upbringing, religious
20 upbringing, residence, education, and extracurricular
21 activities. Any and all restrictions of this right shall be
22 subject to strict scrutiny.

23 3. This section shall not be construed to prohibit any of
24 the following:

25 a. A minor child from receiving medical attention in an
26 emergent care situation.

27 b. A person from cooperating in a child abuse assessment
28 commenced in accordance with section 232.71B.

29 c. A court, law enforcement officer, or an employee of a
30 governmental entity that is responsible for child welfare from
31 acting in the court's, law enforcement officer's, or employee's
32 official capacity and scope of authority.

33 d. A court from issuing an order that is otherwise permitted
34 by law.

35 4. This section shall not be construed to authorize a parent

1 or guardian to engage in conduct that is unlawful or to abuse
2 or neglect a minor child in violation of the laws of this
3 state.

4 5. The rights guaranteed to parents and guardians by this
5 section are not a comprehensive list of the rights reserved
6 to parents or guardians of a minor child. The enumeration of
7 the rights contained in this section shall not be construed to
8 limit the rights reserved to parents or guardians of a minor
9 child.

10 Sec. 21. IMPLEMENTATION OF ACT. Section 25B.2, subsection
11 3, shall not apply to this Act.>

12 2. Title page, by striking lines 3 through 7 and inserting
13 <decisions affecting the parent's or guardian's child,
14 prohibiting instruction related to gender identity and
15 sexual orientation in school districts, charter schools, and
16 innovation zone schools in kindergarten through grade six, and
17 modifying provisions related to student health screenings,
18 school district library programs, the educational program
19 provided to students enrolled in school districts, accredited
20 nonpublic schools, and charter schools, other duties of school
21 districts and the governing boards of charter schools and
22 innovation zone schools, competent private>

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